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English party system will continue—that in spite of the divisions in the liberal party, the group system of continental Europe will not supersede the traditional and historic bi-party system of Great Britain. He is also convinced that the anachronism of an unrepresentative house of lords will be swept away without violence or revolution. He devotes a chapter to a discussion of the future of the house of commons, in which he dwells on the present overloaded and overworked condition of parliament, and prognosticates a very general devolution of powers to inferior representative councils—a widespread system of home rule all around. It is not, however, the predictions of Mr. Schwann which make the volume of value to the student. The two chapters devoted to a parliamentary campaign in a county division, and the chapters describing the duties and activities of a member of the house of commons, and the career of a successful member, who has made his way from the back benches to the treasury bench, will give an American student of the English political system an understanding of the spirit of parliament, which never could be gained from the most careful study of May's *Parliamentary Practice* or Redlich's *Procedure of Parliament*.

*Federal Usurpation.* By FRANKLIN PIERCE. (New York: D. Appleton and Company. 1908. Pp. xx, 437.)

This book is a vigorous indictment of the men and methods of the federal government. It is an indictment of men because it attributes to them an intention to usurp the powers of the commonwealths in order to direct "the attention of the people to the all-wise providence of Congress and the Executive" (p. 132). Irrigation is proposed by the federal government for political ends "simply for the purpose of attaching to it millions of farmers scattered through the States" (p. 188). It is an indictment of methods because it asserts that ends sought, in themselves laudable, are attained by means which the Constitution does not permit. Finally it is an indictment of the people of the United States because of the doubt whether they really wish good government (p. 377).

The book deals with live questions which are often considered to be partisan in their nature. It is published in a presidential year, and if widely read would influence many voters. Yet its object is not party propaganda, and it is as nearly impartial as any work which a man with strong convictions could be expected to write.

A book of this kind is salutary and timely even though it may exaggerate the evils of the present situation. It is "a plea for the sacredness of the Constitution of the United States" (p. ix). At the same time it is a criticism of it. "This Constitution is the most undemocratic instrument to be found in any country in the world today" (p. 389). The real contention of the book is therefore (1) that whatever constitution exists should be inviolable. It should be changed only in the manner prescribed by itself for its own amendment. Until changed in this manner it should be rigorously observed; (2) that the Constitution of the United States is not now a suitable instrument for the government of the United States, and should be completely remodeled (p. 390).

On theoretical grounds few will doubt the truth of these propositions. Most men do doubt the practicability of remodeling the Constitution by means of amendment. If Mr. Pierce could by his book so stir the people of the commonwealths that they would by amendment provide an easier method of changing the Constitution, he would have accomplished a herculean task. Mr. Hannis Taylor said: "Nothing is more generally admitted in the politics of this country than the fact that any reform is practically hopeless that depends upon the amendments, under normal conditions, of the Constitution of the United States." It is this fact that has made "federal usurpation" seem almost necessary. With the growth of the country, the exercise of greater powers by the federal government has been demanded. The only way in which these powers can be exercised, if amendment is impossible, is by expansion of the Constitution through judicial interpretation. Thus according to Mr. Justice Brewer, "The Constitution is supposed to possess an elasticity which would make the manufacturers of india rubber choke with envy" (p. 289).

Mr. Pierce considers his subject under the following heads: (1) The Birth of the Constitution, in which he indicates the original limitations and powers of the central and State governments. Then he shows how the powers of the States have been encroached upon; (2) by Usurpation in the Civil War and Reconstruction Period; (3) by Executive Usurpation; (4) by Paternalism and Imperialism; (5) by Congressional Usurpation; (6) by the United States Supreme Court the Absolute Power. The chapter on Treaty Power and State Rights (7) does not illustrate federal usurpation, but rather the failure of the central government to use its legitimate powers. Chapter 8 deals with The Interstate Commerce Clause. Chapter 9, State Centralization through Commissions

and Courts, relates only indirectly to federal usurpation. Usurpation in Administrative Law (10) is one of the most suggestive chapters in the book. The closing chapter, How to Restore the Democratic Republic, since it provides a remedy, is most apt to meet with objection from the reader.

On one point there should be no dissent in a modern republic, i. e., that publicity, supposed to be the antidote for trust evils, would be equally effective when applied to methods of federal government. Publicity in congressional legislation by the abolition of committee control; and responsibility of the dominant party through the cabinet for all legislation, would undoubtedly aid in awakening the people to their responsibilities as citizens. Had his book appeared a few months later, Mr. Pierce would have found a hopeful sign in the mass meetings recently held in New York State to protest against the defeat of the anti-racetrack gambling bill. Such a general awakening throughout the United States is necessary before a readjustment of commonwealth and federal powers can be accomplished by constitutional amendment.

FREDERICK CHARLES HICKS.

*The Spirit of American Government.* By J. ALLEN SMITH. (New York: The Macmillan Company. Pp. xv, 409.)

Mr. Smith's thesis is that the Constitution of the United States was deliberately contrived to frustrate democratic government. The people were deceived as to the real intention, for "the conservatives who framed the Constitution and urged its ratification *posed as the friends of democracy.*" The words italicized would have astonished James Madison. In his contributions to *The Federalist* he was never weary of explaining that the proposed scheme of national government was not to be regarded as democratic. The point on which he laid the strongest emphasis (*vide* No. X) was that there was a radical difference between a republic and a democracy, and hence that the wretched characteristics of democracy should not be imputed to the proposed form of government. It is quite true that the Fathers did not use the term democratic as being synonymous with the rule of public opinion, but rather as implying the rule of faction, but Mr. Smith does not note this distinction, nor, indeed, does he define anywhere just what he means by democratic government.

Starting with the proposition that the Constitution was the outcome of a conspiracy against popular government, he views the present defects